

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARCUS RONALD SANDERS,

Petitioner,

v.

CIVIL ACTION NO. 1:06CV181
CRIMINAL ACTION NO. 1:05CR102
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER GRANTING MOTION FOR RECONSIDERATION

On November 13, 2007 *pro se* petitioner Marcus Ronald Sanders filed a Motion for Reconsideration (civil dkt. no. 18; criminal dkt. no. 111) of this Court's dismissal with prejudice of his § 2255 motion. The Court finds that it mistakenly entered an order adopting a report and recommendation when the Magistrate Judge had not yet issued a report and recommendation in this case. Good cause having been shown, the Court **GRANTS** the motion (civil dkt. no. 18; criminal dkt. no. 111), **VACATES** its earlier Order (civil dkt. no. 15; criminal dkt. no. 108) and reopens the case. The petitioner's 2255 motion (civil dkt. no. 1; criminal dkt. no. 81) is **REFERRED** to United States Magistrate Judge John S. Kaul as per this Court's standing order.

It is so **ORDERED**.

ORDER GRANTING MOTION FOR RECONSIDERATION

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies, and mail a copy of this Order to the petitioner.

DATED: November 14, 2007.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE